

Meeting Summary
Otay Ranch POM PMT Meeting
County Administration Center, Tower 7
1600 Pacific Highway
San Diego, CA 92101

Wednesday, June 16, 2011
2:00-4:00 pm

ATTENDEES:

City of Chula Vista

Councilmember Pamela Bensoussan
Gary Halbert, Deputy City Manager
Jill Maland, Deputy City Attorney
Marisa Lundstedt, Principal Planner
Glen Laube, Associate Planner

County of San Diego

Supervisor Greg Cox, District 1
Sarah Aghassi, Deputy Chief Administrative Officer, Land Use & Env. Group
Mark Mead, County Counsel
Brian Albright, Director, Department of Parks and Recreation (DPR)
Megan Hamilton, Group Program Manager, DPR
LeAnn Carmichael, Planning Manager, Department of Planning and Land Use
Cheryl Goddard, Land Use Environmental Planner, DPR

Otay Ranch Preserve Steward/Biologist

Mark Doderer, RECON

Agenda Item Numbers noted in parentheses

1. **Call to Order**
(I.) Meeting called to order at 2:04pm by County of San Diego/SUPERVISOR COX.
2. **Approval of POM PMT Meeting Minutes of October 15, 2009**
(II.) SUPERVISOR COX motioned to approve the meeting minutes. Motion seconded by City of Chula Vista/COUNCILMEMBER BENSOUSSAN. Motion carried.
3. **Public Comment on items not related to Agenda**
(III.) SUPERVISOR COX opened and closed with no comment.
4. **Status Report**

(IV.A.) County of San Diego/CHERYL GODDARD reported on Preserve conveyance status. POM was managing ~1300 acres, 776 acres within the City of Chula Vista-Salt Creek and 518 within the unincorporated County. Earlier in the year an additional 1500 acres were conveyed into the preserve. The additional lands are located within the unincorporated. These lands were substitution lands for IODs vacated north of the proposed Village 13 development area. A total of 2,860 acres have been conveyed into the Preserve system.

SUPERVISOR COX asked if there are lands that are anticipated to be conveyed into the Preserve in the near future.

GODDARD stated that there are lands north of the POM managed Salt Creek property that have acknowledged IODs that are ready to be accepted into the Preserve from Brookfield Shea. The lands total approximately 200 acres. The lands have met their restoration success criteria. Brookfield Shea will need to submit an updated Phase I Report and Title Report in order for the County and City to accept the lands.

SUPERVISOR COX asked how long it will take to accept the lands.

City of Chula Vista/MARISA LUNDSTEDT stated the City will contact Brookfield Shea to initiate the process to accept the lands.

(IV.B.) Recon Environmental/MARK DODERO, as the Otay Ranch Preserve Steward Biologist, provided an update on the management and monitoring of the conveyed properties. RECON was hired by the City and County in Fall 2009. Work completed in Salt Creek and San Ysidro parcels include exotics control, assessment of access-trespass issues, trash removal, establish photo points for detecting long-term changes, general avian point count surveys, focused surveys rare plants, California gnatcatcher and cactus wren and Quino checkerspot Butterfly habitat threats assessment. For the ~1500 acres of newly conveyed lands, baseline surveys were conducted in Spring 2011. Surveys included vegetation mapping, general floral and faunal surveys and reporting.

SUPERVISOR COX asked where the River Partners restoration project is located.

DODERO stated he believes the River Partners project is located on the western end of the Otay River.

COUNCILWOMAN BENSOUSSAN asked about trail usage on the POM managed lands.

LUNSTEDT stated that trails are not technically opened on POM managed lands at this time.

(IV.C.) GODDARD provided background regarding future POM alternatives. The Joint Powers Agreement (JPA) implements current POM Structure. JPA and

Phase 2 Resource Management Plan state that the JPA is to be reviewed every 5 years. The PMT and the Policy Committee directed POM staff to explore future POM alternatives including Jurisdictional POMs and transferring lands to other Public Land Managers.

GODDARD explained that POM staff took the approach of drafting Memorandums of Understanding (MOU) with the Wildlife Agencies and other Public Land Managers including the Refuge, Fish and Game, BLM and the City of San Diego to provide assurances that management of the preserve lands would be consistent with the MSCP and Otay Ranch EIR requirements. POM staff met with the various agencies to discuss proposed approach and consensus reached on use of MOU format. To date, a MOU has been drafted with the Wildlife Agencies and individual Letters of Understanding (LOU) have been drafted with the public land managers. The MOU and LOUs were provided to the agencies in March for review and comment. BLM and the city of San Diego have not provided comments. POM staff has met with and received verbal comments from the Wildlife Agencies and the Agencies have stated they will provide written comments. A Jurisdictional POM MOU is close to the final draft stage and is currently being reviewed by County Counsel and the City Attorney.

LUNDSTEDT discussed the challenges of alternative POMs. POM staff has spent a lot of time and effort to exploring POM alternatives. The idea to transfer lands to other public agencies east of the lake stemmed from the Baldwin Agreement. Staff has met with the Wildlife Agencies to discuss the intent of the agreement. There has been a change in personnel with Fish and Wildlife Services (FWS) and they have now brought up concerns that have put a stop in the effort. FWS does not believe there is a way to release the County and City from MSCP obligations when transferring lands to other public agencies without having to amend the County and the City's respective approved MSCP documents including the MSCP Implementing Agreements. The MOUs and LOUs have been set up to release the County and City of MSCP obligations once the lands have been transferred. This concern has been brought up approximately 3 months ago. The Wildlife Agencies will bring this issue up to their solicitors and executive management to discuss the issue. As of yesterday, there are no updates. BLM and Fish and Game have stated that they have their own mechanisms to accept lands and would not need the LOUs to do. However, this does not mean that we cannot move forward with land transfers. POM staff's concern is that the County and City continue to spend money on these efforts with changing directions from the Agencies.

LUNDSTEDT presented the Preserve management options including the current POM, current POM and proceed with land transfers east of Otay Lakes, Jurisdictional POM, or continue to pursue Jurisdictional POM and proceed with land transfers east of Otay Lakes. Current POM structure has been working smoothly with a Preserve Steward/Biologist on board. All of the options except for the current POM structure share the same liability issues. If the Wildlife Agencies do not believe they can obtain cross assurances that MSCP obligations will be met

with the future management options, it will effect the future of land transfers east of the Lakes as well as Jurisdictional POMs. At this time, the current POM structure, is the only way City and County can move forward. County expressed at the last Preserve Management Team meeting that they also believed the current POM structure is working well. County and City are waiting for formal comments from the Agencies to determine how to move forward.

SUPERVISOR COX asked if FWS is the only agency to comment at this time.

LUNDSTEDT stated that Fish and Game have provided editorial/MOU structural comments but have stated they will not continue to review the proposals until FWS has provided comments.

SUPERVISOR COX asked if FWS is still supportive of the Baldwin Agreement in which they would take on the land without financial commitments from Otay Ranch, the County, and/or the City.

LUNDSTEDT stated that the County and City met with FWS early on and FWS was supportive of that concept however there is new staff at FWS and new staff has stated the Baldwin Agreement is not a formal agreement. At this time, we are not sure if this means they will be asking for funding or not. We will need to receive their formal comments to review.

SUPERVISOR COX asked what the next steps are in this process.

LUNDSTEDT stated that POM staff has taken the MOU and LOU as far as we can go without comments from the Wildlife Agencies. The issues are umbrella issues for all the alternatives.

SUPERVISOR COX asked what the process is to transfer the lands to the other Wildlife Agencies. Will the lands require Phase I reports?

LUNDSTEDT stated that the Wildlife Agencies have a similar process as the County and the City. The lands must be clean and free of encumbrances before the Wildlife Agencies will accept.

SUPERVISOR COX asked if it would be helpful to meet with state and federal legislators.

LUNDSTEDT stated that meetings from the POM Policy Committee will be helpful.

COUNCILMEMBER BENSOUSSAN moved to schedule meetings between Policy Committee members and state and federal legislators.

SUPERVISOR COX seconded. Motion was passed unanimously.

5. Finance

(V.A.) SUPERVISOR COX asked if the POM Policy Committee approved the last FY budget.

LUNDSTEDT stated that the budget was approved.

GODDARD stated that the POM Policy receives the budget line items as an informational item. The bottom line budget amount is approved by the Chula Vista City Council and that bottom line budget sets the tax levy amount.

LUNDSTEDT reviewed the FY 11-12 budget totaling \$522,500. The budget amount was reviewed with field staff to be more accurate. The budget was presented at a City Counsel workshop in April and will later be formally presented to City Counsel for approval later in June. This budget is in line with the past 2 fiscal year budgets. There is still front end administration costs to cover work completed on alternative POM structures, assembling the preserves, managing the RECON contract, reviewing RECON work products, and coordinating between the County and City. Administration also includes costs to continue to move forward with POM alternatives. There is a healthy reserve at 100%. It is the City's policy to maintain a preserve at a minimum of 75%. There are carry over amounts that roll over each year for work that is completed but invoices anticipated after the fiscal year. The carry over amount is approximately \$245,000.

SUPERVISOR COX asked how much the reserve amount is.

LUNDSTEDT stated that the reserve is at 100%. Total is approximately \$500,000.

COUNCILMEMBER BENSOUSSAN asked if the City manages the budget.

LUNDSTEDT stated yes.

COUNCILMEMBER BENSOUSSAN asked why a consultant is needed to help manage the CFD budget.

LUNDSTEDT stated that the CFD tax consultant assists the City's Engineering department which sets the levy amounts. They also assist in accounting for the levy.

SUPERVISOR COX asked if the CFD is solely funded by City residents.

LUNDSTEDT stated yes. At this time, it is solely being funded by City residents. At the time that development occurs within the County, there will be potentially a second CFD that is created and the funds could be used throughout the Preserve both within the County and City jurisdiction.

SUPERVISOR COX stated that he recalled the CFD funds could only be used for specific uses to manage the open space lands. However, this does not preclude the City from going back to the residents paying into the CFD to vote on whether the uses can be expanded. Expanded uses could include capital projects such as trails.

COUNCILMEMBER BENSOUSSAN asked if there is a finite timeframe for the CFD or if its ongoing.

LUNDSTEDT stated it is ongoing.

COUNCILMEMBER BENSOUSSAN stated the City wouldn't want to go out for a vote at this time.

SUPERVISOR COX agreed and stated there are a number of steps that would need to be taken prior to going out to a vote but that a vote could be possible. There is a lot of money coming in and if lands are transferred to other Agencies, the same amount could continue to be collected with the uses expanded to include capital projects. SUPERVISOR COX asked if the Policy Committee needed to approve the budget.

LUNDSTEDT stated no, it is an informational item.

COUNCILMEMBER BENSOUSSAN stated the City Council needs to approve the budget.

6. Next POM Meeting

(VI.A.) SUPERVISOR COX stated that the next POM Policy Committee meeting should be scheduled before the end of the year to discuss status of the Wildlife Agency comments.

COUNCILMEMBER BENSOUSSAN stated that it would be better to meet with the state and federal legislators first then set the next POM meetings.

SUPERVISOR COX agreed.

7. Adjournment

(X.) SUPERVISOR COX asked if there were any additional public comments. Hearing none, the meeting was adjourned at 2:58 pm.